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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,246	09/21/2000	Mark T. Anders	MS146917.1	8956

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,246

Applicant(s)

ANDERS ET AL.

Examiner

Yasin M Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2153

Response to Amendment

1. The amendment filed on October 14, 2003 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claim 1 has been cancelled.
- Claims 2-11, 18 and 21 have been amended
- Claims 22-26 have been newly added
- Claims 2-26 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland et al US (6507867) in view of Gauvin et al USPN. (5991760).

As per claim 2 Holland et al teach the invention, wherein core application functionality is preserved between the client and the server [col. 9, lines 2-25 and col. 12, lines 17-54].

As per claim 3 and 11, Holland et al teach an architecture and as system for executing and processing networked-based applications, comprising:

 a presentation tier for interacting with a networked-based application at a client that is loaded via local storage and a server (col. 5, line 38-60; col. 6, lines 48-60 and col. 8, lines 38-67];

 a mobile tier operatively coupled to the presentation tier, the mobile tier (executable code) providing for executing at least a portion of the networked-based application [Col. 8, lines 39-67 and Col. 9, lines 1-52; Col. 12, lines 17-61]; and

 a guarded tier operatively coupled to at least one of the mobile tier and presentation tier, the guarded tier providing for executing remaining portions of the network-based application at the server [fig. 4a, col. 6, lines 22-47 and Col. 9, lines 3-14].

Claim 3, regarding the limitation, a second component that identifies the relevant portion of the application logic and download the relevant portion from the local storage medium and a server to the client to service the local request [see Holland et al col. 6, lines 22-47 and col. 11, lines 35 to col. 12, line 54].

Art Unit: 2153

Although Holland et al shows substantial features of the claimed invention, he does not explicitly show an application logic that is mapped to local request at a client.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Holland et al, as evidenced by Gauvin et al USPN. (5991760).

In analogous art, Gauvin et al, whose invention is about a local client with a local hypertext server, a local application program, and a downloader for downloading a copy of a remote network document (local copy), that is accessible by the local application program, onto the client computer. When disconnected, the local copy may be accessed and modified through the client browser in a manner that is similar to when the client is connected to the network, discloses an application logic that is mapped to local request at a client [Col. 5, lines 41-67 and col. 7, line 25 to col. 8, line 5].

Giving the teaching of Gauvin et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Holland et al by employing the system of Gauvin et al so that clients may access and manipulate copy of the application locally with a client browser while disconnected from the network [Col. 6, lines 35-57 and abstract].

Art Unit: 2153

As per claim 4, Holland et al teach the invention, wherein the local storage medium comprises a CD or floppy disk [Col. 8, lines 39-55].

As per claim 5, Holland et al teach the invention, wherein the first component comprises unguarded logic for lower security systems [applications accessed via web browser have lower security, specifically one it is stored locally Col. 12, lines 4-61].

As per claim 6, Holland et al teach the invention, wherein remote data is downloaded form the server to the client based upon a remote data request [Col. 8, lines 58-67 and Col. 9, lines 1-14]

As per claim 7, Holland et al teach the invention, wherein the remote data request is an HTTP request [Col. 8, lines 58-67 and Col. 9, lines 1-25].

As per claim 8, Holland et al teach the invention, wherein the remote data is processed locally on the client via local data requests directed at the mobile logic portion [col. 5, line 38-60; col. 6, lines 48-60 and col. 12, lines 17-61].

As per claim 9, Holland et al teach the invention, wherein the remote data is provided by at least one of an XML and WML response [Col. 14, lines 15-24].

Art Unit: 2153

As per claim 10, Holland et al teach the invention, wherein the remote data is communicated via at least one of the Internet, Intranet, or wireless networks [fig.2. Col. 8, lines 18-38].

As per claim 12, Holland et al teach the invention, further including a data tier operatively coupled to the guarded tier, the data tier including data employed in connection with executing the network-based application [Fig. 4a col.9, lines 26-51 and Col. 12, lines 17-61].

As per claim 13, Holland et al teach the invention, wherein the guarded tier includes logic for enabling the mobile tier to execute the network-based application [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-61]

As per claim 14, Holland et al teach the architecture of claim 12, wherein the presentation tier generates local requests to the mobile tier to manipulate data provided by the data tier [Col. 11, lines 12-34 and Col. 12, lines 17-61].

As per claim 15, Holland et al teach the invention, wherein the mobile tier executes applications logic associated with the guarded tier to manipulate data provided by the data tier [Fig. 4a, Col. 8, lines 39-67 and Col. 9, lines 1-65].

Art Unit: 2153

As per claim 16, Holland et al teach the invention, wherein the mobile tier processes local data requests offline and generates remote requests to the guarded tier to at least one of transmit and receive data associated with the data tier based upon the offline local requests [col. 6, lines 22-47; Col. 11, lines 12-67 and Col. 12, lines 1-61].

As per claim 17, Holland et al teach a computer-readable medium having computer-executable instructions for providing the architecture of claim 16 [Col. 8, lines 38-55].

As per claim 18, Holland et al teach a system for processing networked-based applications, comprising:

means for interacting with a networked-based application at a client [col. 5, line 38-60 and col. 6, lines 48-60; Col. 9, lines 26-52]; and

means for executing at least a portion of the networked-based application at either the client end or a server based upon requests generated by the client [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-45].

As per claim 19, Holland et al teach the system of claim 18, further comprising means for supplying remote data employed in connection with executing local data requests associated with the

Art Unit: 2153

network-based application [col. 6, lines 22-47 and Col. 12, lines 17-45].

As per claim 20, Holland et al teach the system of claim 19, further comprising means for requesting the local data requests offline and generating remote requests to at least one of transmit and receive data associated with the remote data based upon the offline local requests [Col. 12, lines 17-61].

As per claim 21, Holland et al teach a method for executing a network-based application, comprising:

executing at least a portion of a network-based application on a client computer, the network-based application comprising application and presentation logic, at least a portion of which is interchangeably processed by a server or the client without modification to the portion [[col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12, lines 17-45].

As per claim 25, Holland et al teach a method that facilitates client-side request, comprising:

receiving a first request from the client for a portion of an application that is not locally available to the client [col. 6, lines 9-60]; and

downloading the first portion of application to the client

Art Unit: 2153

[abstract and col. 6, lines 9-60].

As per claim 26, Holland et al the method of claim 25, further comprising receiving a second request from the client to execute a second portion of the application at the server to complete servicing the client request [col. 5, lines 38-60 col. 6, lines 22-47 and Col. 12, lines 17-61].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2153

3. Claims 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gauvin et al USPN. (5991760).

As per claim 22, Gauvin et al teach a method that facilitates client-side computing, comprising:

transmitting a request for portions of an application associated with transaction [col. 5, 6-31 and col. 8, 20-28];

retrieving the portions of application from a local and a remote storage [col. 5, 6-31 and col. 8, 20-28]; and

executing the portions of application in connection with the transaction [col. 5, 6-52 and abstract].

As per claim 23, teach the method of claim 22, further comprising mapping the retrieved portions of application to the request [col.6, line 31 to col. 7, line 7 and col. 7, 31-67].

As per claim 24, Gauvin et al teach the method of claim 22, further comprising commencing execution of the transaction and associated portions of applications on the client while off-line and completing the transaction after re-connecting on-line [abstract; col. 5, 6-31; and col. 8, 30-50].

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 609(B)(2)(i).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are

Art Unit: 2153

703-872-9306 for regular communications and 703-746-7238 for
After Final communications.

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
receptionist whose telephone number is 703-305-3900.



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